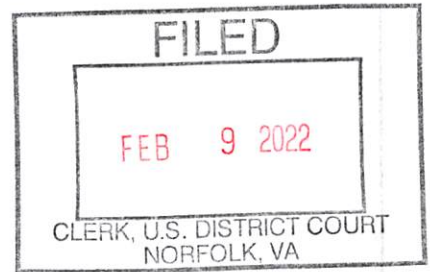


**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**



UNITED STATES OF AMERICA,

v.

CRIMINAL ACTION NO. 2:19-cr-47

**DAVID ALCORN, &
AGHEE WILLIAM SMITH, II,**

Defendants.

ORDER

Before the Court is the Government's Motion for Rulings on Objections Made During Pretrial Depositions. Gov't's Mot. Rulings Objs. Pretrial Deps., ECF No. 373 ("Gov't's Mot."). Trial in this case began on February 1, 2022. On October 26, 2021, the Government filed a Motion to Take Depositions Pursuant to Federal Rule of Criminal Procedure 15 on the basis that six of their witnesses are unavailable to testify at trial. Gov't's Mot. Take Deps. Pursuant Fed. R. Crim. P. 15, ECF No. 217. On October 27, 2021, the Court granted that Motion. Order Grant'g Gov't's Mot. Take Deps. Pursuant Fed. R. Crim. P. 15, ECF No. 218. Pursuant to that Order, the parties conducted videotaped depositions on November 5, 2021, and November 8, 2021. Gov't's Mot. at 1. The parties made objections to questions or answers on the record during the depositions. *Id.* Accordingly, on January 31, 2022, the Government filed the instant Motion for the Court to rule on those objections before playing the video depositions at trial. *Id.*

On February 4, 2022, the Court entered an order granting in part and denying in part the Government's Motion. Order Grant'g Part & Deny'g Part Gov't's Mot. Rulings Objs. Pretrial Deps., ECF No. 380. The Court ruled on some of the objections and deferred ruling on the


remainder that required a hearing. *Id.* On February 5, 2022, the Court held a hearing to resolve the outstanding objections.

For the reasons stated during the hearing, the Court issues the following rulings: For the deposition of K.S., Defendant Smith's objection on page 67 is **OVERRULED**, and the Government's objections on pages 54-55, and 57-60 are **SUSTAINED**. During the hearing, the Government withdrew its objections on pages 61, 62, and 63 for the deposition of K.S. For the deposition of S.B., Defendant Smith's objection on page 36 is **SUSTAINED**, and his objection on page 42 is **OVERRULED**.

The Court **DIRECTS** the Clerk to provide a copy of this Order to all parties.

IT IS SO ORDERED.

Norfolk, Virginia
February 8, 2022


UNITED STATES DISTRICT JUDGE